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The Advisor

Sep/Oct 2005

A York County Newsletter for Professional Horticulturists
And Workers in the Green Industry

2005 Calendar of Events

- Sep 9 **10th Annual Waynesboro Plant Health Care for Urban Trees**, Waynesboro, VA. www.treesvirginia.org
- Sep 9-10 **2005 Monopolize Your Marketplace**, Professional Landcare Network (PLANET), Embassy Suites Atlanta Airport, Atlanta, GA. www.landcarenetwork.org/do/eventView?id=673570
- Sep 13-14 **CanWest Hort Show**, Canadian Nursery Landscape Association, Vancouver, British Columbia, Canada. www.canadanursery.com/canwest/2005/general_show_info.htm
- Sep 14-16 **2005 ANLA Landscape Distribution Tour**, Metro Area, Denver, CO. www.anla.org/applications/Documents/Docs/2005_LDG_Tour_Promo_Piece.pdf
- Sep 15 **30th Annual Nursery, Landscape and Urban Forestry Field Day**, Hampton Roads AREC, Virginia Beach, VA. www.vaes.vt.edu/hampton
- Sep 18-21 **Society of Municipal Arborists 41st Annual Conference**, Windsor, Ontario, Canada. www.urban-forestry.com/mc/page.do?sitePageId=3783
- Sep 19-24 **Eastern Performance Trials**, six locations in PA, MD, and VA. www.easternperformancetrials.org
- Sep 21-22 **Garden Market Expo (former Western Expo)**, Mandalay Convention Center, Las Vegas, NV. www.gardenmarketexpo.com/shows/default.asp
- Sep 25-28 **2005 International Plug and Cutting Conference**, Dearborn, MI. Sponsored by GrowerTalks & FloriCulture International. www.ballpublishing.com/conferences
- Sep 26-30 **2005 ASCFG National Conference and Trade Show**, Eden Resort Inn, Lancaster, PA. www.ascfg.org/images/stories/pdf/2005conference.pdf
- Oct 1-11 **2005 Grower International & Mechanization Tour**. Central Italy, www.anla.org/events/files/registration%20packet.pdf
- Oct 1-6 **55th Annual Meeting of Eastern Region**, International Plant Propagator's Society, Atlantic City, NJ. www.ipps.org/EasternNA/meeting.htm
- Oct 5-7 **Nursery & Greenhouse Tour**, Eastern Shores of MD and Eastern Mainland of VA. Ph: 610-489-4315
- Oct 14-16 **The International Lawn, Garden, & Power Equipment Exposition**, Louisville, KY. For Exhibitor information download the prospectus and rate sheet. http://expo.mow.org/pics/Prospectus_2005.pdf
- Oct 14-15 **Beneficials Without Borders - 2005 Annual Conference of Association of Natural Biocontrol Producers (ANBP)**, Guadalajara, Mexico. www.anbp.org
- Nov 2-5 **2005 Green Industry Conference and Expo**, Professional Landcare Network (PLANET), Orlando, FL. www.landcarenetwork.org/do/eventView?id=673571
- Nov 6-9 **"Sex, Bugs, and Rock 'n' Roll" Entomological Society of America Annual Meeting**, Fort Lauderdale, FL. www.entsoc.org/annual_meeting/current_meeting/index.htm
- Nov 15-16 **National Soybean Rust Disease Symposium**, The American Phytopathological Society, with USDA, APHIS and others, Nashville, TN. www.apsnet.org/online/sbr/
- Nov 9-10 **Power Expo 2005**, PA Farm Show Complex, Harrisburg, PA. www.pantshow.com/content.asp?/events/power
- Nov 14-17 **2005 Garden Centers of America Holiday Tour**, Long Island-Manhattan, NY. www.gardencentersofamerica.org/cde.cfm?event=69519

www.ext.vt.edu

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DOLLARS & SENSE**EASTERN PERFORMANCE TRIALS – FIRST TIME!**

Fashion in Blooms! More than 20 companies from around the world will be showing off their top performers at six locations in the mid-Atlantic during *the very first Eastern Performance Trials* events. The hottest new vines. Long blooming shrubs bursting with color. Flowering annuals that have proven to out-perform. Luscious foliage that will inspire tropical designs. The trials kick off September 19 and will conclude September 24. Each host will be open to pre-registered attendees from 8-5 pm. Host & locations:

- Whites Nursery & Greenhouses, Chesapeake, VA.
- McDonald Garden Center, Virginia Beach, VA.
- Virginia Growers, Montpelier, VA.
- American Horticultural Society at River Farm, Alexandria, VA.
- Homestead Growers, Davidsonville, MD.
- Conard-Pyle, West Grove, PA.

Info and Registration: www.easternperformancetrials.org

**PROVEN WINNERS® ROADSHOWSSM**

are a traveling team of marketers, horticulturists, and retail experts who provide information on new PW varieties and programs, cultural tips, PW ColorChoice® flowering shrubs, perennials, and pricing strategies. Judy Sharpton talks on creating destinations, merchandising, and store layouts. PW recommends growers, retailers, garden center managers and staff and broker reps attend. Closest roadshows for our area are Oct 10th in Baltimore, MD, and Oct 14th in Charlotte, NC.

www.pwcertified.com/roadshow

**FIFTH ANNUAL GREAT SOUTHERN TREE CONFERENCE (GSTC)**

The GSTC, Dec 1-2, Gainesville, FL, is a cutting edge educational event centered on an outdoor demonstration area. Developed through the joint efforts of the Florida Nurserymen & Growers Association and the University of Florida, this conference is devoted entirely to tree selection, landscape, production, establishment, marketing and management issues in the southern United States. Are you looking to better your business? Grow or install more or better plant material? Then mark your calendars for this premier industry event.

www.fnga.org/gstree/gen-info.asp

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NEW NEONICOTINOID RECEIVES REGISTRATION

Celero, a neonicotinoid insecticide from Arvesta Corp., received federal and Virginia Commonwealth registration for use on ornamental crops. It can be used to control aphids, whiteflies and mealy bugs on plantscape, landscape and nursery crops. Also known as clothianidan, its mode of action is through contact and ingestion to stop pests immediately. It also works systemically, providing season long, residual control. Available as a 16% water-soluble granule, it has a restricted-entry interval of 12 hours.

www.arvesta.com/default.asp?V_DOC_ID=1384

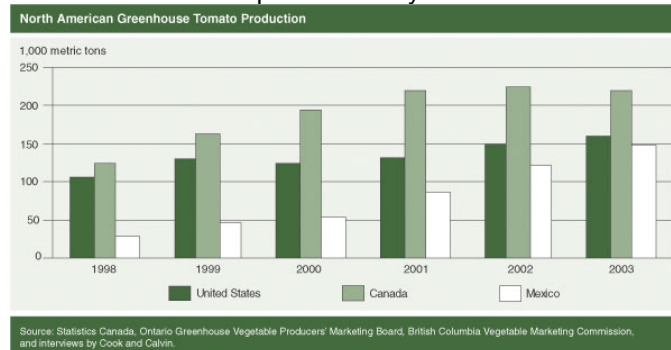
NEW MITICIDE/INSECTICIDE REGISTERED

Judo, a miticide/insecticide in a new chemical class (tetronic acids) from Olympic Horticultural Products, has federal EPA and Virginia registration. The active ingredient is spiromesifen in a soluble concentrate. Lipid molecules are involved in cell structure in membranes. The spiromesifen inhibits lipid biosynthesis, which kills the mite or insect. Judo is translaminar and moves readily through the leaf tissue. It is effective in controlling spider mites and whiteflies and should provide control for at least 30 days after application.

www.olympichort.com/Products/judo.php

GREENHOUSE TOMATOES -- MAJOR MARKET FORCE

The rapidly growing greenhouse tomato industry has become an important part of the North American fresh tomato industry. Greenhouse tomatoes are a challenge to field-grown tomatoes and now represent an estimated 17 percent of U.S. fresh tomato supply. Even though greenhouse tomatoes still constitute a minority share of the U.S. fresh tomato market, their influence is concentrated and growing in retail channels, which represent about half of U.S. tomato consumption. Around 37 percent of all fresh tomatoes sold in U.S. retail stores are now greenhouse, compared with negligible amounts in the early 1990s. Tiny cherry and grape tomatoes sales have increased by more than 300% in sales in the past several years.

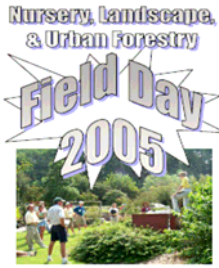


<http://www.ers.usda.gov/publications/err2/>

www.ext.vt.edu

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E.Y.I.

Hampton Roads Agricultural Research & Extension Service

Thursday, Sept 15, 8 am–3:30 pm

Turfgrass Plots
Enabling Garden
Bayscape Garden
Tidewater Arboretum
Utility Line Arboretum
Perennial Theme Gardens
Weed Identification Collection
All-America Selections Trial & Display Gardens

A new format has been developed giving multiple choices of nursery production, landscape installation and maintenance, and urban tree care presentations and demonstrations to attend every hour from 9 AM to 2PM. Attending four (4) designated sessions will earn three (3) CEUs for both Virginia Nursery and Landscape Association (VNLA) and International Society of Arboriculture (ISA) recertification. Registration, which includes lunch, is \$16.00 if registered by September 1st, and \$20.00 thereafter and at the door. This is a commercial, not a consumer or homeowner field day.

<http://arecs.vaes.vt.edu/arec.cfm?webname=hampton§ion=links&subsection=6938>



GIANT AFRICAN SNAILS

"Giant African snails" is the common name used to describe three snail species native to Africa and

considered serious agricultural pests in the United States. These snails can cause extensive damage to agricultural crops and pose a risk to human health. Recent information suggests that one or more of these species are being sold in pet stores, traded by exotic animal dealers, or used for educational purposes in schools. If you have a giant African snail, please do not release it into the environment or give it to someone else. Contact the U.S. Department of Agriculture's Animal and Plant Health Inspection Service to have the snail collected. In VA: Bernetta Barco, (804) 771-2042 Bernetta.G.Barco@aphis.usda.gov
www.aphis.usda.gov/ppq/ep/emerging_pests/gas.html



FIREWISE COMMUNITIES USA

Three Virginia subdivisions have what it takes to be Firewise, according to the U.S. Forest Service. "Windsor Forest," a 360-home subdivision in James City County; "River Ridge on the Shenandoah," a 14-home subdivision located in Frederick County, and "Fort Valley," a community with over 500 homes located in Shenandoah County, are the first three areas in Virginia to earn national certification as Firewise Communities USA. The U.S. Forest Service has recognized less than 100 areas nationwide for their efforts to protect people and property from the risk of wildfire.

www.dof.virginia.gov/press/nr-2005-07-21-Firewise.shtml

NEWS FROM VARIOUS IPM REPORTS

- Bacterial leafspot on Zinnias
- Two-spotted spider mites on Scaevola
- Rust, lacebugs, and bacterial leaf spot on asters
- Collapsed mums from European corn borers.
- Dodder (*Cuscuta spp.*), a parasitic plant sometimes called "strangleweed,"
- Golden tortoise beetle, *Charidotella bicolor*, on sweet potatoe vines.
- Hibiscus sawfly, *Atomacerca decepta*, larvae feeding
- Rove beetles, *Atheta coriaria*, for controlling shoreflies and fungus gnats
- Grasshopper and Flea beetles
- Feeding damage
- Oak Eriococcin, *Eriococcus quercus*, infestations
- Obscure scale, *Melanaspis obscura* in pin oaks
- Southern red mite on azaleas
- Petunias dying – sample needed to diagnose disease
- Hosta problems – hosta virus x

Source: TPM/IPM Weekly IPM Reports, Maryland Cooperative Extension, Central Maryland Research and Education Center
www.agnr.umd.edu/ipmnet/home.html



VICTORY DECLARED OVER MOLE CRICKETS

Researchers in Florida recently won a 25-year battle against invasive mole cricket pests. The mole cricket pest population, known for causing millions of dollars in damages to turf and pastures each year, will now be controlled through the release of beneficial wasps, nematodes, and flies, imported from South America.

http://pestalert.ifas.ufl.edu/mole_cricket_victory.htm

INTERACTIVE TREE SAFETY AND PRUNING CDS

The International Society of Arboriculture (ISA) has released two CDs in its interactive training series which supplement the "Arborists' Certification Study Guide."

The "Introduction to Arboriculture: Pruning" CD lessons include topics such as, pruning objectives, how much and when to prune, specialty pruning, and proper cuts. Use of this CD, with completion of the quiz questions, can earn a Certified Arborist 4 Continuing Education Units (CEUs).

www.isa-arbor.com/about/press/pruningCD.aspx

The "Tree Worker Safety" CD teaches guidelines regarding safe work practices. Lessons include general safety, climbing, and rigging. The CD uses animated knots and interactive exercises to teach proper techniques. Use of this CD, with completion of the quiz questions, can earn an arborist 6 CEUs.

www.isa-arbor.com/about/press/treeworkersafety.aspx

THRIPS AND CATERPILLAR CONTROL

Valent Company has a new insecticide containing the active ingredient pyridalyl. This will be sold under the name Overture and will hopefully have labeling some time in 2006. [MCE TPM/IPM Weekly Greenhouse Report 7/1/2005.](http://www.mce-tpm.com/tpm-2005-07-21-Firewise.shtml)

FEATURE ARTICLE**PLANT PATENTS AND OTHER PLANT PROTECTIONS**

Control over plants and seeds by "inventors" and breeders is accomplished in the United States primarily by plant patents, utility patents, or a Certificate of Protection issued under the Plant Variety Protection Act (PVPA). The U.S. Patent and Trademark Office (USPTO) administers plant and utility patents, whereas the U.S. Department of Agriculture (USDA) administers PVPA. There are also other protection mechanisms available that may be applicable and also cover other organisms such as fungi, bacteria, molds, genetic modified organisms (GMO), etc., which are administered by other governmental agencies at state and federal levels. Many foreign countries also offer protection of new plants, provided applications for such protection are timely filed pursuant to their laws. Best to seek advice from expert legal counsel.

Plant Patents: The Plant Patent Act, enacted in 1930, provides that "*Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or plant found in an uncultivated state, may obtain a patent therefore...*" The plant must be stable through any of a number of means of asexual propagation such as grafting, budding, cuttings, bulbs, rhizomes, tissue culture, and the like. Patents issued today are good for 20 years and gives the "inventor" exclusive rights to propagate and sell the plant. The propagation rights may be assigned to others or licensed for "royalty fees." The first plant patent was issued on August 18, 1931, for the 'New Dawn' rose. By mid-August, 2005, almost 16,000 plant patents had been issued.

Utility Patents for Plants: Since 1985, the USPTO practice was to grant utility patents for new plants and seeds if they otherwise met the requirements for patentability. This potentially offered the most comprehensive protection for crop varieties. However, the ability to enforce those patents had been somewhat questionable. USPTO's actions were finally validated by a U.S. Supreme Court decision on December 10, 2001, that seeds and seed-grown plants can be patented. Plant breeders have the choice of intellectual property protection either through utility patents or through the PVPA. Generally, formal and legal requirements for a utility patent are more stringent than for a plant patent or the PVPA. The actual scope of protection for a given utility patent is determined by its claims. Depending on which claims are issued, utility patents can cover seeds, plants, plant parts, progeny and the processes used in reproducing and using protected crop varieties. Utility patents offer the possibility for broader protection so as to protect a novel plant trait, which embraces more than a single plant variety or cultivar.

Plant Variety Protection Act: The Plant Variety Protection Act (PVPA), enacted in December of 1970, and amended in 1994, provides legal intellectual property rights protection, to developers of new varieties of plants that are sexually

reproduced (by seed) or are tuber-propagated. Bacteria and fungi are excluded. A Certificate of Protection is awarded to an owner of a variety after an examination shows that it is new, distinct from other varieties, and genetically uniform and stable through successive generations. The term of protection is 20 years for most crops and 25 years for trees, shrubs, and vines. The owner of a U.S. protected variety has exclusive rights to multiply and market the seed of that variety. Certificates of Protection are issued to protect crop varieties that are propagated sexually or by tubers. While PVPA certificates are usually easier to obtain than utility patents, they provide less protection. PVPA certificates differ from utility patents in that they don't guard against other farmers using a protected variety as a germplasm in a breeding program or saving seed of protected varieties for future planting. In addition, if the variety is protected by the pre-1994 PVPA, certain amounts of seed can be sold without risk of infringement.

And then there are Cultivars, Trademarks, Servicemarks, Copyrights...

These are separate and different from and not to be confused with patents and Certificates of Protection. If a plant unprotected by a patent or certificate is identified by a particular grower's trademark, anyone else may grow the same cultivar and sell it under the proper generic cultivar name, with or without also using their own trademark, but they cannot use the original trademark or anyone else's. The bottom line is that before one grows and sells a particular cultivar, it is wise to take affirmative action to determine whether a variety has been patented, and whether a name has been previously used or registered as a trademark by another.

Sources and for more detail information:

USPTO:

www.uspto.gov/web/offices/pac/doc/general/whatis.htm
[General Information about 35 U.S.C. 161 Plant Patents](http://www.uspto.gov/web/offices/pac/doc/general/whatis.htm)
www.uspto.gov/web/offices/pac/utility/utility.htm
[Plant Patent Database](http://www.uspto.gov/web/offices/pac/utility/utility.htm)

USDA:

www.ams.usda.gov/science/PVPO/PVPindex.htm
www.ams.usda.gov/science/PVPO/PVPO_Act/PVPA.htm
[PVPO Public Access Databases](http://www.ams.usda.gov/science/PVPO/PVPO_Act/PVPA.htm)
www.ams.usda.gov/lsg/seed.htm

Other:

www.anla.org/industry/patents/plantpatent.htm
www.anla.org/pdf/files/plantpatent.pdf
<http://ptsllaw.com/news/seeds-crops1.htm>
<http://aggie-horticulture.tamu.edu/syllabi/315/PlantPatent.html>
<http://www.cph.com/Publications/plantpatents.html>
<http://molecularfarming.com/molecular-farming-patents.html>
www.worldseed.org/positions.htm

The Advisor Newsletter is prepared by David Taylor,
 York County Master Gardener, in conjunction with



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